

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

SANTIAGO VALDEZ,)	Cause No. CV 07-109-BLG-RFC-CSO
)	
Petitioner,)	
)	
vs.)	FINDINGS AND RECOMMENDATION
)	OF U.S. MAGISTRATE JUDGE
STATE OF MONTANA,)	
)	
Respondent.)	
)	

On August 1, 2007, Petitioner Santiago Valdez filed this action for a writ of habeas corpus. He is a state prisoner proceeding pro se.

Valdez's petition asserts that he was arrested without a warrant and without probable cause on July 17, 2007. *See* Pet. Aff. (doc. 1-2) at 2. On August 8, 2007, he filed numerous motions and supporting exhibits. The exhibits make it clear that a warrant for Valdez's arrest was issued on July 18, 2007, by Yellowstone County Justice of the Peace Larry D. Herman. *See* Mot. for Counsel (doc. 4-2) Exs. 3-5. Additionally, on July 20, 2007, the United States filed a detainer against Valdez on a charge of failing to register as a sex offender. *Id.* Ex. 2; *see also* Order at 2, *United States v. Valdez*, No. MCR 07-45-BLG-RFC-CSO (D. Mont. filed Aug. 7, 2007) (directing issuance of a writ of habeas corpus ad prosequendum).

Based on Valdez's own submissions, it is clear that, even if he succeeded in proving that his initial arrest was unlawful, his current detention is plainly valid. There is no merit in the instant petition and it should be denied.

Based on the foregoing, the Court enters the following:

ORDER

Valdez's motion to proceed in forma pauperis (doc. 3) is GRANTED. The Clerk shall waive payment of the filing fee.

The Court also enters the following:

RECOMMENDATION

Valdez's petition (doc. 1) should be DENIED and all other pending motions (doc. 4) should be DENIED AS MOOT.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS & RECOMMENDATION AND
CONSEQUENCES OF FAILURE TO OBJECT**

Pursuant to 28 U.S.C. § 636(b)(1), Petitioner may serve and file written objections to this Findings and Recommendations within ten (10) business days of the date entered as indicated on the Notice of Electronic Filing. A district judge will make a de novo determination of those portions of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge.

Petitioner must immediately inform the Court of any change in his mailing address.

DATED this 15th day of August, 2007.

/s/ Carolyn S. Ostby
Carolyn S. Ostby
United States Magistrate Judge